

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

R.W., individually and on behalf of his
marital community,

Plaintiff,

v.

COLUMBIA BASIN COLLEGE, a
public institution of higher education,;
REBEKAH WOODS, in her official
capacity; and RALPH REAGAN, in his
individual and official capacities,

Defendants.

Cause No. 4:18-cv-05089-MKD

JOINT PROPOSED PRETRIAL
ORDER

This is the joint pretrial order submitted by the parties in anticipation of a bench trial to be held on February 3, 2025. Plaintiff was represented by Bret Uhrich and Abby Jacobs, and the defendants were represented by Carl Warring and Andrew Brown, their respective attorneys of record. The following pretrial order has been formulated and settled as follows:

1 **I. NATURE OF PROCEEDINGS AND STATEMENT OF**
2 **JURISDICTION**

3 **Nature of Proceedings.** This is a civil dispute originally brought by R.W.
4 against Columbia Basin College (“CBC”), the college’s former president, Lee
5 Thornton, and student conduct officer, Ralph Reagan. President Rebekah Woods has
6 been substituted in as the party-in-interest for Lee Thornton, in his official capacity.
7

8 Plaintiff R.W. alleges that he was subjected to adverse action based on his
9 protected speech to medical providers in the form of being prevented from taking
10 classes, by being issued failing grades on tests he could not take due to being
11 trespassed from the school, and by being sanctioned for violation of the Student
12 Code of Conduct. Plaintiff seeks prospective injunctive relief for violation of his
13 constitutional right to free speech pursuant to 42 U.S.C. §1983.
14

15 Defendants Woods and Reagan deny any misconduct in issuing a trespass
16 notice that excluded Plaintiff from campus after the College learned of Plaintiff’s
17 homicidal ideation that focused on three of the College’s instructors and while a
18 student conduct investigation occurred. Defendants further deny that any action was
19 taken in response to Plaintiff’s disclosures to his personal physician. Instead,
20 Defendants assert that they initiated a trespass and student conduct proceeding in
21 response to notice provided as part of a “duty to warn” by crisis responders and law
22 enforcement following R.W.’s disclosure of homicidal ideation during an evaluation
23 by a crisis responder.
24
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1 **Statement of Jurisdiction.** The Court has jurisdiction pursuant to 28 U.S.C.
2 § 1331 and 28 U.S.C. § 1367 as this civil action arises under the Constitution, laws,
3 or treaties of the United States and all claims are part of the same or controversy.
4

5 **II. STIPULATIONS OF THE PARTIES**

6 **A. Stipulated Issues of Fact Requiring No Proof**

7 The following facts are agreed upon by the parties and require no proof:
8

9 1. Rebekah Woods is the current Columbia Basin College (“CBC”)
10 President. Rebekah Woods in her official capacity is a state actor subject to the First
11 Amendment of the United States Constitution for purposes of R.W.’s claims seeing
12 prospective injunctive relief.
13

14 2. R.W. was a student enrolled in the nursing program at CBC in the
15 winter quarter of 2017.

16 3. On March 7, 2017, Ralph Reagan issued an interim trespass prohibiting
17 R.W. from entering onto all CBC campuses.
18

19 4. On March 8, 2017, R.W. contacted Ralph Reagan asking what steps he
20 needed to take regarding the interim trespass.

21 5. On March 8, 2017, Ralph Reagan began a Student Conduct
22 investigation.
23
24
25

1 6. On March 10, 2017, R.W. sent Reagan an e-mail providing a statement
2 for the Student Appeals Board to consider as part of his appeal of the interim trespass
3 notice.
4

5 7. On March 14, 2017, the Student Appeal Board affirmed the interim
6 trespass.
7

8 8. On March 22, 2017, Mr. Reagan met with R.W. regarding the alleged
9 violation.
10

11 9. On March 22, 2017, R.W. sought further review of the interim trespass
12 from CBC's president Lee Thornton.
13

14 10. On April 19, 2017, based on Mr. Reagan's investigation and review of
15 the records, Mr. Thornton modified the trespass to exclude the Pasco CBC campus
16 but the trespass restriction regarding the Richland campus remained in place.
17

18 11. The President of CBC is the final decision maker regarding violations
19 of the Student Code of Conduct.
20

21 12. On April 20, 2017, after completing his investigation, Ralph Reagan
22 found R.W. responsible for violating CBC's policy on Abusive Conduct and
23 imposed conditions upon R.W. termed sanctions.
24

25 13. "Abusive Conduct" is defined in the CBC Student Code of Conduct as:
"Physical and/or verbal abuse, threats, intimidation, harassment, online harassment,
coercion, bullying, cyberbullying, retaliation, stalking, cyberstalking, and/or other

1 conduct which threatens or endangers the health or safety of any person or which
2 has the purpose or effect of creating a hostile or intimidating environment.”

3
4 14. On May 4, 2017, R.W. appealed to the Student Appeal Board
5 requesting review of the finding of misconduct.

6 15. On May 24, 2017, the Student Appeal Board affirmed the finding of
7 misconduct.

8
9 16. On June 7, 2017, R.W. appealed to the President of CBC regarding the
10 finding.

11 17. On June 12, 2017, then CBC President Lee Thornton affirmed the
12 finding of misconduct and ratified the conditions imposed upon R.W.

13
14 18. As the President of CBC, Lee Thornton was the final decisionmaker
15 regarding R.W.’s appeal and conditions imposed upon R.W.

16 19. President Rebekah Woods in her official capacity is the person that can
17 direct Columbia Basin College to reinstate R.W. into the nursing program and direct
18 the registrar to modify R.W.’s Winter Quarter of 2017 grades to reflect incomplete
19 instead of failing grades.
20

21 **B. Stipulated Issues of Law Requiring No Proof**

22 1. Rebekah Woods is the President of CBC, a Washington state agency.
23

24 **III. PLAINTIFF’S CONTENTIONS**

25 Plaintiff’s contentions as to disputed issues are as follows:

1 **1. Violation of First Amendment Rights and Prospective Injunctive**
2 **Relief under *Ex Parte Young*.** Plaintiff R.W. contends that Defendants violated
3 R.W.'s rights under the First Amendment by imposing adverse action based on his
4 speech to providers seeking treatment for mental health. R.W.'s speech was pure
5 speech, and was not accompanied by any conduct. R.W.'s speech was not a threat,
6 let alone a true threat. At no point did R.W. express a desire to cause harm to another
7 person. R.W. described that he had aberrant thoughts that concerned him and he only
8 articulated these thoughts to disclose the symptom for medical assistance. R.W.'s
9 speech was not curricular or pedagogical in nature. Based on his protected speech,
10 R.W. was trespassed from the College and prevented from taking final exams in his
11 classes. Instead of identifying the classes and incomplete, the College treated these
12 tests as possible for R.W. to take and issued him zeroes on each of the tests, resulting
13 in him failing all of the Winter of 2017 classes. The College found R.W. in violation
14 of the Student Code of Conduct based on his protected speech and levied sanctions
15 against him. Based on these violations, R.W. seeks injunctive relief requiring
16 Rebekah Woods to direct the registrar to change his Winter Quarter 2017 grades
17 from 0.0 to incomplete, reinstatement of R.W. into the Nursing Program, and
18 deletion and removal of the finding of misconduct.
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IV. DEFENDANTS' CONTENTIONS

1
2 1. First Amendment: Defendants contend that R.W.'s disclosure of
3 homicidal ideation to a crisis responder during an evaluation to determine whether
4 he represented a risk of harm to himself or others is not speech protected by the First
5 Amendment. R.W.'s expressions of homicidal ideation about three of his instructors
6 in the nursing program by identified means constituted a "true threat." Even if
7 R.W.'s disclosure of homicidal ideation constituted protected speech, the College's
8 regulation of that speech was permissible under the student speech doctrine. And
9 even if the student speech doctrine did not apply to R.W.'s disclosure of homicidal
10 ideation, R.W. cannot establish the requisite elements of a First Amendment
11 retaliation claim.
12
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14

15 2. Prospective Injunctive Relief: Defendants contend no prospective
16 injunctive relief is warranted. First, because no First Amendment violation occurred,
17 no continuing violation of federal law exists to justify prospective injunctive relief.
18 Second, R.W. was capable of complying with the conditions for return to the nursing
19 program and failed to do so. The trespass and conditions for return are no longer in
20 place and R.W. is free to seek readmission without reference to the prior student
21 conduct proceedings. Finally, R.W. cannot carry his burden of establishing that but-
22 for his trespass from campus, he would have successfully completed the Winter
23 Quarter 2017 curriculum.
24
25

V. ISSUES OF FACT

Plaintiff's Facts To Be Proved At Trial.

1. By the 2017 winter quarter, R.W. had accumulated 177 credit hours at CBC.

2. R.W. was scheduled to graduate from the CBC nursing program in June 2017.

3. During his enrollment, R.W. suffered from back pain, epilepsy, insomnia, anxiety and depression.

4. In the Winter Quarter 2017, R.W. saw an increase in the frequency of his seizures due to stress. R.W. also experienced trouble sleeping and insomnia.

5. The College was accommodating these disabilities by allowing R.W. to have additional time on his assignments and turn them in late.

6. On February 28, 2017, R.W. scheduled an appointment with his primary care physician, Dr. Michael Cabasug, because R.W. was having trouble with insomnia and because he had violent thoughts regarding his CBC instructors.

7. From February 28, 2017 to March 6, 2017, R.W. attended classes at CBC with no issues and did not mention these thoughts to anyone at CBC or elsewhere.

8. R.W. met with Dr. Cabasug at his office on March 6, 2017. R.W. informed his physician of his insomnia and his thoughts about hurting his instructors.

1 9. Dr. Cabasug's chart note describes R.W.'s reporting of the
2 circumstances of the ideation as follows: "Does have a seizure disorder and is on
3 Keppra. Has been having more episodes in the last several weeks. He attributes this
4 to lack of sleep which is affected by his depression." Dr. Cabasug recommended a
5 change in R.W.'s prescription and spoke with R.W. regarding techniques for
6 managing stress.
7

8
9 10. Dr. Cabasug referred R.W. to Lourdes, the Designated Crisis
10 Responder for Benton and Franklin Counties, for evaluation. While at Dr. Cabasug's
11 office, R.W. met with a representative of Lourdes and thereafter voluntarily admitted
12 himself to Lourdes Transition Center for inpatient mental health treatment.
13

14 11. Lourdes contacted the Richland and Pasco Police Departments
15 regarding R.W.'s violent thoughts about his instructors at CBC.

16 12. On March 7, 2017, the police contact was conveyed to CBC security
17 supervisor Levi Glatt and in-turn to Ralph Reagan, CBC's assistant dean for student
18 conduct.
19

20 13. The communication viewed by Mr. Reagan prior to issuing an interim
21 trespass against R.W. stated as follows: "Levi, At approximately 0800 hours 3/7/17,
22 I was contacted by Ofc. K. Erickson of PPD with the following information. PPD
23 was contacted earlier today by Crisis Response about CBC student [R.W.]. [R.W.]
24 admitted to having homicidal ideations toward staff at CBC, talking about lighting
25

1 offices on fire and attacking people with saws. The instructors specifically
2 mentioned are Kim [T]ucker Valerie Topham and Alma Martinez. [R.W.] is
3 currently at Carondelet getting help and may not be an immediate threat.
4

5 14. On March 7, 2017, Ralph Reagan issued a letter to R.W. trespassing
6 R.W. on the basis that R.W.'s communications to medical professionals constituted
7 "Abusive Conduct" under the CBC Student Code of Conduct.
8

9 15. Ralph Reagan was aware that R.W. was receiving services for a
10 disability from the Student Resource Center before issuing the interim trespass letter
11 to R.W.
12

13 16. The day after the interim trespass, on March 8, 2017, nursing program
14 director Kim Tucker filled out a "Nursing Student Discontinuation Form" stating
15 that R.W. was discontinued from the program based on "incomplete winter quarter
16 trespassed from campus."
17

18 17. On March 8, 2017, Ms. Tucker drafted a letter (which ultimately was
19 never sent) to R.W. dismissing R.W. from the nursing program immediately and
20 permanently based on his breach of "professionalism standards as a nursing student,"
21 citing R.W.'s communications with his medical providers.
22

23 18. Ralph Reagan expressed his agreement with Kim Tucker that R.W.
24 should be dismissed from the program based on professionalism concerns.
25

1 19. Following the meeting between R.W. and Ralph Reagan, on March 29,
2 2017, R.W.'s treating physician Dr. Cabasug drafted correspondence "to whom it
3 may concern" affirming that R.W. had never demonstrated aggressive behavior or
4 language since Dr. Cabasug began treating R.W. and that the incident was very out
5 of character.
6

7 20. Ralph Reagan reviewed the medical records thoroughly, creating a
8 detailed table of contents of the records, noting private conversations between R.W.
9 and his physician, including events unrelated to R.W.'s health such as seeking
10 treatment for diarrhea.
11

12 21. After reviewing the records, Ralph Reagan concluded that the health
13 care providers had determined that R.W. was not a threat to others before he was
14 released from voluntary treatment and that he was continuing with outpatient mental
15 health treatment.
16

17 22. Ralph Reagan attributed R.W.s' violent ideations disclosed to his
18 medical providers to R.W.'s disabilities.
19

20 23. Ralph Reagan found that R.W.'s conversation with his physician was
21 abusive conduct which created "a hostile or intimidating environment" at CBC.
22

23 24. When asked to identify the specific "conduct" that occurred, Mr.
24 Reagan identified the thoughts in R.W.'s head as the violative "conduct."
25

1 25. Based on the trespass, R.W. was unable to attend his classes and take
2 his final examinations.

3 26. Instead of issuing R.W. grades of incomplete, the College gave R.W.
4 zeroes on all of his finals, resulting in him failing all of the courses in the Winter
5 Quarter of 2017.
6

7 27. As a result of the sanctions and trespass, R.W. was disenrolled from the
8 Nursing Program.
9

10 **Defendants' Facts to be Proven at Trial.**

11 1. In March 2017, R.W. experienced homicidal ideation about three of his
12 instructors at Columbia Basin College's nursing program.
13

14 2. R.W. disclosed his homicidal ideation during a March 6, 2017,
15 evaluation by a designated crisis responder who was attempting to determine if R.W.
16 was a threat of harm to himself or others.

17 3. Based upon the evaluation, the designated crisis responder determined
18 that R.W. was a threat of harm to others and gave R.W. an ultimatum to voluntarily
19 admit himself to a treatment facility or be involuntarily committed.
20

21 4. At the time of his inpatient admission, R.W. was failing two of his four
22 Winter Quarter 2017 classes.
23
24
25

1 5. The designated crisis responder also initiated duty to warn protocols to
2 ensure the nursing instructors who were the subjects of R.W.'s homicidal ideation
3 were warned.
4

5 6. Through the duty to warn process, Columbia Basin College became
6 aware of R.W.'s homicidal ideation, his inpatient admission, and the distress and
7 disruption this caused for members of the campus community.
8

9 7. Student Conduct Officer Ralph Reagan issued an interim trespass
10 notice precluding R.W. from returning to campus while the College conducted a
11 student conduct investigation.
12

13 8. R.W. appealed the interim trespass to the Student Appeals Board, but
14 the intermediate level of review upheld the trespass decision.

15 9. R.W. appealed the decision of the Student Appeals Board to then
16 President Lee Thornton
17

18 10. R.W. was assigned incomplete grades for Winter Quarter 2017 while
19 the trespass and student conduct investigation were pending.

20 11. On April 19, 2017, Thornton modified the trespass decision in part.

21 12. Thornton's decision on the interim trespass notice issued after the
22 conclusion of Winter Quarter 2017 instruction and after the administration of Winter
23 Quarter 2017 final examinations.
24
25

1 13. Reagan investigated R.W.'s conduct and on April 20, 2017, issued a
2 finding that R.W. violated the College's Student Conduct Code and established
3 conditions for R.W.'s return to the nursing program.
4

5 14. Reagan's determination that R.W.'s conduct violated the Student
6 Conduct Code was reached after the conclusion of Winter Quarter 2017 instruction
7 and after the administration of Winter Quarter 2017 final examinations.
8

9 15. April 22, 2017, was the deadline for students to complete coursework
10 from Winter Quarter 2017 to change incomplete grades.

11 16. After April 22, 2017, R.W.'s incomplete grades were changed to 0.0
12 grades in accordance with the College's course catalogue.
13

14 17. A student can appeal an assigned course grade.

15 18. R.W. did not appeal the change of his course grades from incomplete
16 to 0.0.
17

18 19. R.W. appealed Reagan's decision to the Student Appeals Board, but the
19 intermediate level of review upheld Reagan's decision.

20 20. R.W. appealed the Student Appeals Board decision to then President
21 Thornton, but Thornton upheld Reagan's decision.
22

23 21. R.W. failed to follow the conditions set forth by Reagan and ratified by
24 Thornton for R.W.'s return to the nursing program.
25

22. The trespass and conditions for R.W. to return to the nursing program are no longer in place.

VI. ISSUES OF LAW

The following are the issues of law to be determined by the Court:

1. Whether R.W. was engaged in pure speech under the First Amendment when he disclosed his violent ideations for the purposes of a mental health evaluation.

2. Whether R.W.'s speech constituted a true threat for purposes of a First Amendment analysis in the context of civil litigation.

3. Whether the Student Speech Doctrine as articulated in *Tinker v. Des Moines*, *Hazelwood v. Kuhlmeir*, *Bethel v. Fraiser*, *Morse v. Frederick*, and/or *Mahanoy School District v. B.L.* applies in higher education.

4. Whether the standard for student speech in higher education is controlled by *Healy v. James* and *Papish v. University of Missouri*.

5. Whether the Defendant's conduct constitutes adverse action or retaliation under the First Amendment.

6. Whether a continuing violation of R.W.'s First Amendment rights exist.

7. What, if any, equitable relief is appropriate as prospective injunctive relief as a remedy for any continuing violations of R.W.'s First Amendment rights.

VII. EXHIBITS

The following exhibits may be received in evidence, if otherwise admissible, without further authentication, it being admitted that each is what it purports to be:

A. Plaintiff's Exhibits – Stipulated by Parties

No.	Description of Exhibit
1	Nursing student discontinuation form dated March 7, 2017
2	Dismissal letter and related email correspondence between Kim Tucker Virginia Tomlinson and Ralph Reagan dated March 7-8, 2017
3	Academic progress alerts issued by Valerie Cooke dated March 7, 2017
4	Valerie Cooke correspondence dated May 4, 2018
5	Email correspondence regarding R.W.'s enrollment status between Kim Tucker and Paula Ochoa dated March 7-8, 2017
6	Email correspondence regarding deactivation of R.W.'s Kadlec badge between Kim Tucker and Levi Glatt dated March 7-8, 2017
7	CBC nursing faculty meeting minutes for March 13, 2017
8	Letter from Ralph Reagan imposing interim trespass restriction dated March 7, 2017
9	Initial student conduct letter from Ralph Reagan dated March 8, 2017
10	Email correspondence between R.W. and Ralph Reagan dated March 8-10, 2017
11	Student appeals board letter from Patricia Campbell regarding interim trespass restriction dated March 14, 2017
13	Letter from Lee Thornton modifying interim trespass restriction dated April 19, 2017
14	Student conduct letter from Ralph Reagan dated April 20, 2017
15	Letter from R.W. appealing student conduct decision to student appeals board dated May 4, 2017
16	Student appeals board letter from Michael Lee dated May 24, 2017
17	Letter from R.W. appealing student appeals board decision dated June 7, 2017
18	Letter and final decision of CBC President Lee Thornton dated June 12, 2017
19	Email correspondence between nursing and administrative staff regarding anticipated March 7, 2017 meeting to address concerns regarding R.W.'s seizure disorder

21	Richland Police Department dated March 7, 2017
22	CBC campus security report dated March 7, 2017
23	Email from Mike Hahn to Levi Glatt regarding initial police report dated March 7, 2017
24	Email correspondence between Ralph Reagan, Peggy Buchmiller and Ben Beus regarding interim trespass restriction dated March 7, 2017
25	Email correspondence between Ralph Reagan and Patricia Campbell regarding R.W.'s appeal from interim trespass restriction dated March 14, 2017
26	Email correspondence between Ralph Reagan, faculty and administrative staff regarding student behavioral intervention team (SBIT) dated March 8-14, 2017
27	Email correspondence from Ralph Reagan regarding student conduct investigation status dated March 17-21, 2017
28	Email correspondence between Ralph Reagan and Mike Hahn regarding anticipated student conduct meeting with R.W. on March 22, 2017
29	Ralph Reagan investigation notes from March 22, 2017 student conduct meeting
30	CBC financial aid suspension notice dated March 28, 2017
31	Email correspondence from Ben Beus and Ralph Reagan regarding R.W.'s financial aid status dated April 3, 2017
32	Email correspondence regarding production of R.W.'s medical records and medical authorizations dated April 10-12, 2017
33	Email correspondence between Patricia Campbell and Anita Kongsli regarding anticipated teleconference with Lourdes Counseling Center staff Michelle Arronow and Alex Soulia dated April 12, 2017
34	Ralph Reagan and Patricia Campbell's notes regarding telephone conference with Michelle Arronow and Alex Soulia dated April 13, 2017
35	Email correspondence dated April 14, 2017 from Ralph Reagan to Patricia Campbell regarding student conduct investigation status and findings
36	Email correspondence dated April 19, 2017 between Patricia Campbell and Ralph Reagan regarding proposed letter from Lee Thornton modifying interim trespass restriction
37	Email correspondence dated April 20, 2017 from Ralph Reagan regarding lifting of R.W.'s trespass from Pasco campus

38	Email from Ralph Reagan dated May 3, 2017 regarding production of CBC nursing student handbook
39	Student appeals board file including R.W.'s appeal letter, Ralph Reagan's April 20, 2017 student conduct decision letter, investigative notes and response notes
40	Email correspondence from Ralph Reagan dated May 18, 2017 regarding student appeals board meeting and anticipated decision
41	Email correspondence between Patricia Campbell and Ralph Reagan regarding student appeals board decision dated May 22, 2017
42	Email correspondence regarding R.W.'s appeal to Lee Thornton dated June 8, 2017
43	Email correspondence between R.W., Kim Tucker and Ralph Reagan regarding R.W.'s reenrollment in nursing program dated July 12 – 31, 2017
44	R.W. academic timeline prepared by Kim Tucker
45	R.W. student conduct timeline prepared by Ralph Reagan
46	R.W.'s CBC transcript
47	Registrar notepad
48	Nursing grades from Spring 2015 through Winter 2017
52	Ancillary evaluation checklists
53	Clinical evaluations from Fall 2014 through Fall 2015
54	February 2016 nursing student discontinuation form
55	Email correspondence between R.W., Kim Tucker and Valerie Cooke regarding R.W.'s return to nursing school in Winter 2017 quarter
56	R.W.'s reentry testing dated December 2, 2016
57	Letter from Dr. Michael Cabasug, M.D. dated January 12, 2017 regarding R.W.'s return to school
58	Canvas email correspondence between R.W. and Alma Martinez from 2016-2017
59	Canvas email correspondence between R.W. and Becky Phillips from 2017
60	Corrected coversheet and resume for R.W. from Becky Phillips
61	Academic progress alert and student support plan from Becky Phillips dated February 13-14, 2017
62	Email correspondence dated January 23-24, 2017 between R.W. and student resource office regarding R.W.'s disability accommodation
63	R.W.'s individual accommodation plan and file for Winter 2017
64	Student resource center accommodation log prepared by Peggy Buchmiller and Patricia Campbell

65	R.W.'s student resource file from 2012 to 2016
66	R.W.'s interrogatories and requests for production of documents to CBC, interrogatory nos. 7-11, with answers
68	R.W.'s Lourdes Counseling Center records
69	R.W.'s Crisis Response records
70	R.W.'s epilepsy records from Dr. Timothy Powell
71	CBC Student Code of Conduct
72	CBC financial aid policy
73	CBC nursing program student handbook

B. Defendant's Exhibits – Stipulated by Parties

No.	Description of Exhibit
1000	Cabasug Progress Note 2-25-2015
1001	Cabasug Progress Note 3-25-2015
1002	Cabasug Progress Note 5-15-2015
1003	Cabasug Progress Note 6-25-2015
1004	Midterm Grade Report
1005	Reserved
1006	Reserved
1007	Reserved
1008	Reserved
1009	Academic Progress Alert 2-13-2017
1010	Academic Support Plan
1011	Email String Tucker Topham
1012	Cabasug Progress Note 3-6-2017
1013	Lourdes Phone Contact 3-6-2017
1014	Lourdes Assessment Profile 3-6-2017
1015	Lourdes Crisis Services Intake
1016	Lourdes Mental Status Notes
1017	Lourdes Referral To Transitions
1018	Lourdes Provider Note 3-7-2017
1019	Lourdes Progress Notes
1020	Academic Progress Alert 3-7-17
1021	Campus Security Report
1022	Campus Security Report
1023	Security Threat Document
1024	Reagan Letter Trespass Order

1	1025	Regan Letter Student Conduct Violation
2	1026	Lourdes Health Evaluation
3	1027	Lourdes Discharge Notes
4	1028	RW Email Student Appeals Board
5	1029	Reserved
6	1030	Pat Campbell Decision Letter
7	1031	RW Appeal Trespass Restriction
8	1032	Cabasug Medical Records (Identification Only)
9	1033	Lourdes Medical Records (Identification Only)
10	1034	CBC Case Notes Student Conduct Case
11	1035	Letter From Dr. Cabasug
12	1036	Thornton Letter Second Appeal
13	1037	Reagan Conduct Decision Letter
14	1038	Reserved
15	1039	Appeal of Student Conduct
16	1040	Lee Letter Student Conduct Appeal
17	1041	Thornton Letter Presidents Decision
18	1042	Student Transcript
19	1043	Academic Timeline
20	1044	Academic Calendar
21	1045	Reserved
22	1046	Complaint for Damages (IDENTIFICATION ONLY)
23	1047	Discovery Responses (IDENTIFICATION ONLY)
24	1048	Reagan to Welch Letter 2021-7-8
25	1049	Tucker Calendar Meeting Note 2017-3-7
	1050	Withdrawn
	1051	RichlandPDReport 2017-3-7
	1052	TuckerOchoaEmail 2017-3-8
	1053	Reserved
	1054	WelchReaganEmail 2017-3-10
	1055	FinancialAidLetter 2017-3-28
	1056	FinancialAidEmails 2017-4
	1057	ReaganCampbellEmail 2017-4-14
	1058	ReaganEisingerEmail 2017-4-19
	1059	ReaganCookeEmail 2017-7-13
	1060	FileNotes
	1061	CookeLetter 2018-5-4

C. Objections to Exhibits

The following Plaintiff exhibits are objected to by Defendants:

Ex. #	Description of Exhibit
12	Letter from R.W. appealing student appeals board decision regarding interim trespass restriction dated March 22, 2017
20	Pasco Police Department report dated March 6, 2017
49	Fall 2015 clinical journal
50	Winter 2016 clinical journal
51	Winter 2017 clinical journal
67	R.W.'s Trios medical records with table of contents authored by Ralph Reagan, correspondence from R.W.'s counsel and March 29, 2017 letter from Dr. Cabasug regarding R.W.'s treatment status
85	June 18, 2024 Request for Public Records
86	July 18, 2024 Response to Public Records Request

VIII. WITNESSES

A. Plaintiff's Witnesses

The following witnesses may be called by Plaintiff (if expert, give field of expertise):

1. R.W.;
2. Rebekah Woods
3. Kelsey Myers
4. Ben Beus
5. Lee Thornton
6. Kim Tucker
7. Ralph Reagan

1 8. Lindsey Carpenter

2 **B. Defendants' Witnesses**

3 The following witnesses may be called by Defendants (if expert, give field of
4 expertise):

5 Same as Plaintiff's list except for Lindsey Carpenter.
6
7
8

9 **IX. RELIEF SOUGHT**

10 **Plaintiff's Requested Relief.** R.W. prospective injunctive relief in the form
11 of reinstatement into the College Nursing Program, modification of his Winter
12 Quarter 2017 grades from failing to incomplete, removal of finding that he violated
13 the Student Code of Conduct and removal of such record from his academic records,
14 and an injunction against further retaliation.
15

16 **Defendants' Requested Relief.** Defendant Rebekah Wood seek a full
17 dismissal of all of Plaintiff's claims.
18

19 **X. TRIAL**

20 The parties estimate **3 days** trial time. The parties stipulate and agree to the
21 following:

22 **Trial Logistics.** Pursuant to Fed.R.Civ.P. 16(c)(2)(P), the following trial
23 logistics are agreed upon by the parties:
24
25

1 1. The parties agree to provide the Court and opposing counsel with 24
2 hours advance notice of (1) the date and time and (2) order in which they expect to
3 call particular witnesses.
4

5 2. The parties agree to communicate and to facilitate securing the presence
6 of the identified witnesses at the time each witness is requested to appear for in court
7 their trial testimony. The purpose of this agreement is to eliminate or reduce any
8 unnecessary waiting for each of the witnesses. This agreement includes but is not
9 limited to all identified witnesses.
10

11 3. The Parties agree Lee Thornton will appear and testify remotely.
12

13 **XI. ACTION BY THE COURT**

14 The Court has made the following rulings: (any relevant ruling made by the
15 Court)

16 1.

17 2.
18

19 It is ORDERED that the foregoing constitutes the pretrial order in the case and
20 that upon the filing hereof all pleadings pass out of the case and are superseded by
21 this Order. This Order may be amended by consent of the parties and approval by
22 the Court or by the Court to prevent manifest injustice.
23
24
25

THE HONORABLE MARY K. DIMKE
United States District Court Judge